

## CHAPTER IX: PLAN IMPLEMENTATION

Implementation is a critical element of the planning process. Viewed in a cyclical sense, planning is dependent upon the identification of goals and objectives, the inventorying and analysis of existing conditions, the identification and evaluation of alternatives, and the implementation of selected actions. The outcomes of the various implemented actions are then evaluated in the form of feedback as input for refining or reshaping the goals and subsequent actions in the ongoing planning process.

If the goals of the Comprehensive Plan are to be achieved over a period of time, the City must use all of the means at its disposal for plan implementation. Chapter 11 of the Code of Virginia (See Appendix A) provides procedures whereby a municipality may implement its Comprehensive Plan, including provision for a zoning ordinance and land subdivision regulations to assist with accomplishments of the land use elements of the Plan. In addition, there are procedures for capital improvements programming and opportunities for coordination of governmental activities at all levels which will contribute to implementation of the Comprehensive Plan.

However specific the law may be, or however carefully the procedures may be followed, all the laws and procedures, maps and texts, cannot substitute in effectiveness for the support of the people of Winchester and their general awareness of the advantages of a comprehensive long-range view in dealing with City problems.

### SUMMARY OF PAST PLAN ACCOMPLISHMENTS

As noted in the introductory chapter, numerous achievements have been undertaken since the 1982 Plan Update. Under Landuse, the City has implemented the Residential-Business, RB-1 district for the area south of Old Town, numerous properties have been rezoned to designations consistent with the Comprehensive Plan, residential districts have been simplified and adjusted according to the densities standards called for in the 1974 Plan, generous amounts of commercial and industrial zoned land have been provided, and reasonable standards have been instituted which assure healthful, safe, and attractive development.

Transportation achievements have been somewhat limited with certain exceptions. The Airport represents the greatest improvement under the transportation element. While numerous roadway projects are currently in the design stage or under construction, completed major projects include only Pleasant Valley Road and the first section of Jubal Early Drive (formerly Apple Blossom Drive). Other accomplishments include the adoption of conditional zoning to allow proffers addressing development-related traffic impacts, the utilization of flexible road standards in planned developments, and the continued attempts to promote public transportation ridership.

Many Community Facilities have been constructed since the 1982 Plan update with varying adherence to the Comprehensive Plan. Four facilities: the Judicial Center, the Opequon wastewater plant, the Airport, and the regional Jail/Detention Facility exemplify the successful implementation of large regional facilities built under cooperative agreements between the City and Frederick County. The new Frederick Douglass Elementary School exemplifies the City's commitment to educational and recreational facilities in the expanding southerly area of the City. Privately operated community facilities such as the Winchester Medical Center and Shenandoah University have also charted impressive growth.

Economic Development and Downtown achievements have been numerous. Activities of the Economic Development Commission and the Downtown Development Board have provided Winchester a strong employment base and strengthened the City as a regional commercial center. Industrial development is based primarily on expansion of existing industry. Efforts to maintain a vital downtown include increased parking via construction of a third parking garage.

Housing achievements include the 1981 and 1989 CDBG projects to address housing and neighborhood needs in the North and South Kent Street areas. An active community development program allows for ongoing housing rehabilitation. Refinements to the Planned Development District regulations encourage increased application of flexible residential development standards to provide a full range of housing types. Comprehensive rezoning of outlying residential areas has resulted in zoning which encourages higher densities near the center city where services are more readily available.

### LONG-RANGE GOALS

The goals and objectives specified in the preceding chapters on landuse, transportation, housing, community facilities and the downtown are relatively unchanged from earlier plans. Many of the goals have overlapping relevance to the functional elements of the plan. Listed below are the goals which relate most closely to the major objectives and actions called for in this Plan update:

- 1. Provide the citizens of the community with a healthful, attractive and safe environment.*
- 2. Provide every resident with a decent home in a suitable environment.*
- 3. Develop and maintain a comprehensive transportation system which has the capability of moving people and goods in a convenient, efficient and safe manner.*
- 4. Ensure timely provision of community facilities and services such as utilities and recreation/open spaces to serve new development.*
- 5. Maintain the vitality of the downtown as a regional center for financial, government and professional employment and commercial activity.*

## IMPLEMENTATION TOOLS

Numerous tools or mechanisms for implementing the Comprehensive Plan are at the disposal of the City. In addition to the more conventional regulatory mechanisms such as the City Code and the zoning and subdivision ordinances, Virginia Enabling Legislation provides an increasing array of additional tools for guiding development and managing growth. Greater attention is being focused upon intergovernmental agreements and regional strategies which offer more efficient approaches to providing needed community services and better coordinated transportation systems and landuse patterns.

### Zoning

Zoning, the dividing of land into districts and the establishment of regulations pertaining to uses therein, is often said to be the principal means for implementing the Future Land Use Plan. Zoning is supposed to be "consistent" with the Plan. If it is not, a decision must be made as to whether or not to change the zoning or change the Plan. The zoning ordinance offers some assurance that the land will not be used for purposes which might better be accommodated elsewhere, and failure to plan for public facilities will lead to inefficiency, waste and ugliness which has plagued so many American cities for so many years.

Of the various legal devices available for implementation of the Comprehensive Plan, zoning will probably receive most attention during the implementation process. The extent to which zoning can improve living conditions and guide growth in Winchester in accordance with the Comprehensive Plan will be largely dependent upon the attitudes and interests of the people of Winchester as expressed by themselves in many ways, and as expressed through their leaders in enactment of regulations and subsequent sustained rigorous enforcement of the regulations. Needless to say, the problems will be varied, but if the people really want to encourage orderly and attractive development and if they really want to protect natural and historic resources, then there are zoning devices available to implement such programs over the long run.

The phrase "over the long run" is important when viewing a zoning objective. Application of the ordinance to a specific building project may sometimes seem to produce harsh results for the developer, seemingly without affecting the character of the area in which the building is proposed or improving anything in the future of the City, yet to accept an attitude of futility over a single project can be fatal. It simply takes an accumulation of small improvements "over the long run" to provide clear evidence of a change of direction for the better.

If zoning is supported by careful long-range planning and well-understood development policy and coupled with effective programming of public facilities, it is one of the strongest tools in the plan implementation kit. It is the main tool given to communities by the Commonwealth to guide development. Wisely administered, zoning can go a

long way toward implementing the City's development and conservation objectives.

#### a. Zoning Regulations

The Zoning Ordinance text includes specific standards for uses in each of the districts. Permitted uses, conditional uses, area regulations (permitted density) lot width, setback, yard requirements, and height are listed in sequence for each district. The summary table, while not officially a part of the ordinance, is helpful in comparing the general requirements of the conventional districts. Numerous amendments adopted in support of the 1982 Plan have created a somewhat complicated format which should be addressed through recodification of the text. The Ordinance contains a very lengthy section on general provisions which include many special provisions as well. Also, definitions are scattered throughout the document rather than within the article specifically set aside for this purpose.

The Zoning Ordinance is most effective at providing guidelines for private development to assure site specific compliance with the general goals for the City. The Ordinance is less effective for controlling the public areas such as streets and highways which are controlled more directly through the Subdivision Ordinance and the Engineering Specifications. The unofficial Site Plan Review Checklist is helpful for assuring completeness of plan submissions and applicability of various requirements and waiver provisions.

#### b. Zoning Map

The official zoning map is most directly related to the Future Land Use map and, in the case of Winchester, corresponds closely to the Future Land Use Plan. In addition to serving as an important geographic reference for zoning administration, the map offers a useful tool for economic development marketing by identifying areas reserved for various types of landuses.

#### c. Administration and Enforcement

Administration and enforcement of the Zoning Ordinance play a critical role in the success of zoning as an implementation tool. The Zoning Administrator must be able to effectively interpret the regulations as they apply to the various parcels and development thereon. With more and more activity taking the form of redevelopment, there is greater attention on the need to clearly identify grandfathering provisions for uses and lots which are nonconforming to the current standards. In order to be effective, the ordinance must be diligently enforced. Failure to take corrective actions immediately leads to widespread disregard for regulations aimed at improving the community.

## Land Subdivision Ordinance

Subdivision regulations are primarily concerned with the platting of lots, the layout of streets, the location of public spaces and the building of public improvements associated with the process of subdividing land; in addition, they contribute to the keeping of clear and accurate land records. These are matters deserving serious public concern. Once established, a street is difficult to move, and when an opportunity is missed for improved street locations or lot layout, such missed opportunities are difficult or impossible to retrieve. Winchester has had the benefit of generally adequate subdivision regulations for many years. The present subdivision ordinance was adopted in 1977 and is in need of updating to reflect current development standards and mandated environmental programs.

Two classes of problems should be considered in connection with subdivision regulations. One class includes major policy issues which must be decided in advance, usually in connection with the Comprehensive Plan and perhaps outside the scope of the text of the subdivision regulations themselves. A second class has to do with matters of design, with standards, and with administrative practice and review policies. Most of the problems in the second category can be set forth clearly within the text of the regulations. For example, the street standards in the Subdivision Ordinance should be in accord with those recommended in the Comprehensive Plan.

Major policy matters associated with subdivision regulations include the problems of locating utilities and determining an appropriate amount of open space for public dedication. Such policy matters are intricately associated with the Comprehensive Plan and important decisions on the overall pattern of growth and expenditures for public facilities. In addition, the whole question of the public power to control the timing and location of development will be subject to much debate in coming years.

## City Code

The Code of the City of Winchester Virginia, 1978 sets forth the active laws of the City and serves as a reference for the day-to-day administration of City affairs. Included in the Code are numerous provisions pertaining to the development of the City including Chapter 16 dealing with Planning. The Code specifically establishes the Planning Commission and calls for the preparation of the Comprehensive Plan. City Code also outlines building regulations (including a housing code), erosion and sediment control regulations, parks and recreation provisions, downtown development strategies, street and sidewalk standards, utility ordinances, and standards pertaining to vegetation (e.g. street trees and weed removal).

### Engineering Standards and Specifications

Unlike most Counties in Virginia, the City of Winchester maintains its own streets. Standards for the construction and maintenance of streets are referenced in the subdivision ordinance and the City Code but are specified in the current standards and specifications manual prepared by City Engineering and Public Works Departments. Standards generally follow those established by the Virginia Department of Transportation and the Federal Highway Administration.

### Capital Improvement Program/City Budget

A Capital Improvements Program (CIP) is a schedule by years of the amounts to be spent on improvements to the City's public facilities. The purpose of making a CIP is to ensure that long-range plans will be compatible with the City's financial resources. Section 15.1-464 of Virginia planning enabling legislation permits a local Planning Commission to prepare and revise annually a CIP based on the Comprehensive Plan and to do so either on its own initiative or at the direction of the governing body.

While preparation of the CIP and budget is usually the responsibility of the City Manager and the City Council, the Planning Commission is the agency charged with looking ahead and anticipating the needs of the City in the coming years and decades. In order to carry out the function of assisting the CIP, the Planning Commission must become acquainted with the plans and prospects of the City's finances.

Forecasts more than five years in advance are generally not sufficiently reliable for planning. The City has formally included a CIP element in the approved budget document since 1989. A list of needed improvements is drawn up, and those which should be made during the next five years are arranged in order of urgency, and costs are estimated according to the best information available. As each year of the program is completed an additional year is added so that the program always looks five years to the future.

### Regional Planning and Intergovernmental Agreements

Regional planning and intergovernmental agreements provide effective mechanisms for coordinating the actions of Winchester with Frederick County and other neighboring jurisdictions in the Lord Fairfax Planning District Commission (LFPDC). The LFPDC prepares an annual work program which includes technical assistance, information services, regional coordination functions and planning for regional needs. LFPDC coordinates the Commonwealth Intergovernmental Review Process (replacement to the A-95 Review Process) and sets regional priorities including those pertaining to the CDBG program. Long-range planning depends upon the availability of relevant data such as that from the 1990 Census which is distributed through the LFPDC.

Intergovernmental agreements have proved beneficial to Winchester and neighboring counties as have been illustrated throughout this plan update. The agreements encourage regional cooperation and it is likely that upcoming State legislation will either provide incentives for using such mechanisms or provide disincentives for refusing use of them. Winchester and Frederick County are, in many ways, a single economic entity. Cooperative actions can take the form of both binding and nonbinding agreements or policies.

### Housing Programs

If the joint goals of providing housing for all income groups and improvement of all substandard housing in the City are to be met, and within a reasonable period of time, full advantage must be taken of available assistance programs. The intent of the City to undertake a progressive housing improvement program was evidenced by the North and South Kent Street Neighborhood Revitalization Programs under the Community Development Block Grant Program. This program is an example of an overall neighborhood approach of both public and private actions which should set the general pattern for future efforts. However, so much money is involved in housing and neighborhood improvement that it is practically impossible for a small city to make reasonable headway without outside assistance. Other programs are also available for housing improvement as outlined in the Housing chapter.

### Official Map

The Official Map mechanism offers one of the surest means for reserving necessary rights-of-way for future street construction. State Enabling legislation requires that the rights-of-way included on an official map be based upon a physical survey establishing the metes and bounds of the right-of-way across any property. The City has utilized the approach to secure the extension of Jubal Early Drive from the northerly edge of the Meadow Branch development to the proposed connection with Amherst Street at the current intersection of Merrimans Lane.

### Special-Purpose Plans/Districts

Special-purpose plans and districts are too numerous to list in this document. Some of the more important plans deserve brief mentioning however. The most influential plan for transportation is the Winchester Area Transportation Study (WATS). Currently, the WATS is being updated to project transportation needs through the year 2015. Transportation needs identified in the WATS are then ranked for inclusion in the VDOT Six-Year Improvement Program.

The Economic Development Commission was recently recertified under the Virginia Community Certification Program to promote economic development in the Winchester-Frederick County area. An extensive data base on local economic statistics, community profile, and list of development goals is maintained as part of the program. The EDC has a full-time executive director to implement the EDC goals.

Downtown Winchester benefits from a number special-purpose boards and authorities established by the City. A special downtown assessment district administered by the Downtown Development Board allows for generating revenue for downtown capital improvements and special marketing strategies. The Winchester Parking Authority operates the three downtown parking garages in addition to numerous surface parking lots and curbside metered spaces. As the historic center, downtown benefits from the establishment of an overlay historic district which assures preservation of historic resources and compatibility of new development as administered by the Board of Architectural Review.

### Civic Participation

The final and probably most important tool for Plan implementation is civic participation. Civic participation includes more than the act of citizen participation at Planning Commission meetings and ad hoc committees. It includes the act of volunteering to provide services that might otherwise need to be funded as public projects or not provided at all. Volunteerism and community spirit creates an environment which cannot be replicated through regulation. Active participation in efforts such as the Vision 2020 project by a taskforce of Winchester City and Frederick County residents helps to create a sense of direction for the community and complements the professional planning effort undertaken with the Comprehensive Plan. The Taskforce 2020 report is included as Appendix B of this plan.

### SELECT RECOMMENDED ACTIONS

The following key actions are recommended for consideration based upon the above stated goals and with reference to the above-mentioned tools available for implementation of each of the actions. The actions are organized according to their primary function category of planning and are not intended to reflect any order of priority. A complete overview of the goals and objectives and more specific actions are included in the various preceding subject-oriented chapters of this Plan.

#### A. Land Use

1. *Formalize intergovernmental development review with Frederick County through the Planning staffs to assure compatibility of landuses and coordination of subdivision and site plan infrastructure needs.*
2. *Investigate the use of Corridor Protection Overlay Districts to allow for review of development design along important corridors leading to the downtown historic district.*

#### B. Transportation

1. *Develop a comprehensive City capital improvement program which has a direct relationship with the Future Land Use Plan, the Winchester Area Transportation Study and the VDOT Six-Year*

*Improvement Program and which is coordinated with the maintenance programs of the private and public utility companies.*

2. *Create a joint transportation planning committee of Winchester and Frederick County representatives to coordinate larger regional transportation network improvements.*

#### C. Housing

1. *Actively pursue all grant programs which provide opportunities for the rehabilitation of substandard housing and neighborhood infrastructure.*
2. *Investigate ways to streamline the approval process and expand the usage of the Planned Unit Development District so that developers are encouraged to build more cost-efficient housing of a greater variety and range of affordability.*

#### D. Community Facilities

1. *Develop clearer standards for measuring development impacts which can be utilized in the evaluation of rezoning proffers.*
2. *Establish specific open space acreage requirements for residential subdivisions and increase the coordination between the Planning Commission and the Recreation Board in determining the appropriate amount, function and location of such spaces.*

#### E. Economic Development

1. *Investigate opportunities for increasing the attractiveness of Winchester for tourism-oriented trade through coordinated regional marketing and promotion.*

#### F. Downtown

1. *Pursue design and feasibility studies for the adaptive reuse and redevelopment of key downtown sites such as the Woolen Mill and properties along the south end of the pedestrian mall to stimulate reinvestment in the downtown for administrative office use and cultural activities through a formal CIP.*

#### G. General

1. *Support the development of improved information services and analytical capabilities of City government to plan for managed growth and cost-effective installation and maintenance of community facilities and services.*

## Conclusion

This Plan update contains numerous recommendations for the long-range improvement of Winchester while also identifying strategies for preserving the historic and architectural integrity of the City. Many recommendations called for in earlier plan iterations have been completed and actions toward achieving other remaining goals are well underway. All implementation resources must work together if the Plan is to be accomplished and all are largely governed by overriding economic forces which are difficult and sometimes impossible to control.

